

REMARKS

After entry of this amendment, claims 1, 4-7 and 13-19 are pending. Claims 3 and 8-12 are withdrawn. Claims 14-16 were added by the preliminary amendment filed with the application on March 15, 2002. New claims 17-19 are added by this amendment.

Claims 6 and 13 have been amended to recite a method or kit for a nucleic acid which consists of at least 50 nucleotide residues of a sequence that is at least 80% identical when aligned with a sequence selected from: SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9 or SEQ ID NO: 27 conveniently labeled to be used as a hybridization probe. Support is in the specification on page 3, first paragraph, and claim 1 as filed.

Claim 17 has been added to recite a method according to claim 6 wherein said nucleic acid consists of at least 100 nucleotide residues of a sequence that is at least 85% identical when aligned with a sequence selected from: SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9 or SEQ ID NO: 27. Support is in the specification on page 3, second paragraph and claim 6 as filed.

Claim 18 has been added to recite a method according to claim 6 wherein said nucleic acid consists of at least 200 nucleotide residues of a sequence that is at least 90% identical when aligned with a sequence selected from: SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9 or SEQ ID NO: 27. Support is in the specification on page 3, third paragraph, and claim 6 as filed.

Claim 19 has been added to recite a method according to claim 6 wherein said nucleic acid consists of SEQ ID NO: 7, SEQ ID NO: 9 or SEQ ID NO: 27. Support is in the specification on page 3, fourth paragraph, and claim 6 as filed.

No new matter has been added by this amendment.

Restriction Requirement

In the Office Action mailed July 14, 2004, the claims were restricted into 11 groups. Accordingly, Applicants hereby elect the claims of group X (claims 1-2, 4-7, and 13-16 and SEQ ID NO:27), without traversal.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above-made amendment and remarks be entered and made of record in the file history of the present application.

Respectfully submitted,

Mary Kakefuda

Mary Kakefuda
Attorney for Applicants
Registration No. 39,245

Syngenta Agribusiness Biotechnology Research, Inc.
P. O. Box 12257
Research Triangle Park, NC 27709-2257
Telephone: 919-765-5071

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